

The Flinn Report

Illinois

Regulation

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Joint Committee on Administrative Rules
Illinois General Assembly

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Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

CHILD DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments for "Licensing Standards for Day Care Homes" (89 Ill Adm Code 406; 31 Ill Reg 8397) and "Licensing Standards for Group Day Care Homes" (89 Ill Adm Code 408; 31 Ill Reg 8422), both effective 6/20/08. The amendments to both Parts require a licensure application to include a written hazard protection plan identifying hazards in the home and outdoor areas accessible to children in care. When a home renews its licensure or makes an application for license and references any activity of a continuing nature, and DCFS fails to render a decision, the existing license continues in full force and effect for 30 days until the final DCFS decision has been made regarding the renewal. DCFS may further extend the time for up to 30 days for good cause. Homes with attached garages or those homes relying on fossil fuel for heating, ventilation, or hot water must have a minimum of one approved and operating carbon monoxide detector within 15' of rooms where children nap or sleep. The detector may be combined with a smoke detector if certain standards are met. The rulemakings also require physical barriers when children are

present and adult caregiver supervision to protect children against water hazards (e.g., pools, ponds, ornamental bodies of water) and other hazards such as traffic and construction. Children under 30 months of age must be put to sleep on their backs unless disability or illness prevent this, in which case the caregiver must have written, signed instructions from a physician detailing alternative safe sleep positions. Germicidal cleaning solutions are required for toilet facilities. An additional amendment to Part 406 deletes peanut butter from a list of approved foods for children ages 1-3 for consistency with other rule text that prohibits serving peanut butter to children under age 2 because it may pose a choking hazard. Part 408 additionally deletes the term "staff of a supervising agency" in regard to regulations on fire safety because only DCFS, and not a child welfare agency, supervises group day care homes. A change since 1st Notice for both rulemakings amends an additional section for consistency with the prohibition against feeding peanut butter to children under age 2. A further change requires that carbon monoxide detectors be near sleeping areas rather than on every floor of the facility. Those affected by these rulemak-

(cont'd next page)

Proposed Regulations

VOTER REGISTRATION

The STATE BOARD OF ELECTIONS proposed amendments to "Registration of Voters" (26 Ill Adm Code 216; 32 Ill Reg 9124) to permit election authorities, as an alternative to certified copies of death certificates, to rely on published obituaries for purposes of purging deceased persons from their voter registration rolls. The authenticity and accuracy of an obituary must be confirmed in writing or verbally by the director of the funeral home or other location where the deceased person's memorial service, wake, funeral, or similar service was held. Funeral directors and local election authorities are affected.

Questions/requests for copies/comments through 8/11/08: Steven Sandvoss, SBEL, 1020 S. Spring St., Springfield IL 62708, 217/782-4141.

HIGHER ED PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION proposed amendments to "Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education" (44 Ill Adm Code 526; 32 Ill Reg 9101) to raise the small purchase maximum amount below which there is an exemption from the source selection restrictions of the Illinois Procurement Code from \$25,000 to \$50,000 for supplies and services

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

ings include day care homes (licensed to care for up to 12 children) and group day care homes (licensed for up to 16 children).

Questions/requests for copies of the 2 DCFS rulemakings above: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, e-mail: cfpolicy@idcfs.state.il.us

MEDICAL RADIONUCLIDES

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to "Medical Use of Radioactive Material" (32 Ill Adm Code 335; 32 Ill Reg 3503), effective 6/13/08, to reflect federal Nuclear Regulatory Commission (NRC) requirements for use of unsealed radioactive materials for which written directives are and are not required and to reflect training and experience requirements for radiation safety officers; experienced radiation safety officers; authorized medical physicists; and authorized physicians, dentists, and podiatrists. The rulemaking additionally establishes training and experience requirements for the parenteral administration of unsealed radioactive material for which a written directive is required, adds a definition of "preceptor", and repeals an obsolete appendix. IEMA also adopted amendments to "Licensing of Radioactive Material" (32 Ill Adm Code 330, 32 Ill Reg 3455), effective 6/13/08, to reflect NRC training and experience requirements for authorized nuclear pharmacists and to repeal an obsolete appendix. Small businesses that use radioactive material for medical purposes will be affected by these rulemakings.

Questions/requests for copies of the 2 IEMA rulemakings above: Louise Michels, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9876, TDD 217/782-6133.

DNR CONCESSIONS & LEASES

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to

"Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions" (17 Ill Adm Code 150; 32 Ill Reg 2447), effective 6/13/08, specifying that notices for available concessions to be leased by competitive bidding will now be placed in the *Illinois Procurement Bulletin*, and changing the name of the DNR office having oversight over leases and sales to the Division of Concession and Lease Management. The size threshold for agricultural leases that must be let by competitive sealed bids increases to 50 acres, and any lease of acreage totaling less than 50 (currently, 10) acres may be negotiated directly with DNR. An individual's or company's prior history with the State is added to the list of selection criteria. A change since 1st Notice specifies that solicitations state which criteria are being applied and how they are applied. Those affected by this rulemaking include small businesses and not-for-profit corporations that wish to operate concessions or lease land on DNR properties.

DEER HUNTING

DNR also adopted amendments to "White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650; 32 Ill Reg 2662), "White-Tailed Deer Hunting by Use of Muzzleloading Rifles" (17 Ill Adm Code 660; 32 Ill Reg 2687), and "White-Tailed Deer Hunting by Use of Bow and Arrow" (17 Ill Adm Code 670; 32 Ill Reg 2699), all effective 6/13/08. Part 650 and Part 660 amendments allow the use of CVA brand electronic ignition muzzleloaders. The electronic ignition muzzleloaders will be considered unloaded if the battery is removed from the weapon. Both Part 650 and 660 extend deer hunting hours to ½ hour after sunset. In addition, Part 650 increases the non-resident deer hunting permit fee (either sex or antlered) to \$300 and makes site-specific changes at 18 DNR properties. Also, Part 660 changes site-specific rules at 5 DNR properties. Part 670 raises the cap on out-of-State combination archery deer

permit sales by 5,000 for a Statewide total of 25,000. The fee increases by \$50 to \$200 for out-of-state landowners, as well as non-resident shareholders, members, partners and beneficiaries of entities that own land in Illinois, to obtain a combination archery deer permit for hunting on their land. The term "blades" is replaced with "cutting surfaces" within the Part. Additionally, site-specific changes are made at 21 DNR sites. A Part 670 change since 1st Notice removes proposed text that would have allowed deer hunting in all of Weldon Springs State Park in DeWitt County. Those who may be affected by these 3 rulemakings include outfitters.

Questions/requests for copies of the 4 DNR rulemakings above: Jack Price, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to "Pay Plan" (80 Ill Adm Code 310; 32 Ill Reg 9360), effective 6/13/08, reflecting 5 memoranda of understanding (MOUs) between DCMS and the American Federation of State, County, and Municipal Employees. Two MOUs assign the executive secretary III and telecommunications supervisor titles to a bargaining unit, but, according to DCMS, some positions within these 2 titles remain under merit compensation. Three other MOUs assign the titles of public service administrator (PSA) option 8B (special license—boiler inspector license), PSA option 8Y (special license—plumbing license), and PSA option 8E (special license—engineer (professional)) to a bargaining unit without position exclusions.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: CMS.PayPlan@Illinois.gov

Proposed Regulations

(other than artistic and professional) and from \$30,000 to \$70,000 for construction. These new limits are subject to consumer price index changes announced each year. Small businesses seeking contracts with public colleges and universities will be affected.

Questions/requests for copies/comments through 8/11/08: Bob Baker, 208 Henry Adm. Bldg., 506 S. Wright St., Urbana IL 61801, 217/333-1352, Fax 217/239-6760, e-mail: rbaker@uillinois.edu

UNIVERSITY EMPLOYEES

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to "State Universities Civil Service System" (80 Ill Adm Code 250; 32 Ill Reg 9129) to clarify that a leave of absence that exceeds 5 days will extend an employee's probationary period by the amount of time of the leave. Also, seniority will continue to accrue during a period of disability for which income benefits are paid under the Workers' Compensation Act, the Workers' Occupational Diseases Act, or a State self-insurance program. Seniority also accrues for military service.

Questions/requests for copies/comments through 8/11/08: Mary Follmer, SUCSS, 1717 Philo Rd., Ste. 24, Urbana IL 61802, 217/278-3150 (ext. 226).

CIGARETTE TAXES

The DEPARTMENT OF REVENUE proposed amendments to rules titled "Cigarette Tax Act" (86 Ill Adm Code 440; 32 Ill Reg 9109) and "Cigarette Use Tax Act" (86 Ill Adm Code 450; 32 Ill Reg 9114) excluding from the definition of "retailer" or "distributor" persons who (1) transfer to residents incarcerated in penal institutions or residents of a State-operated mental health facility cigarettes made, manufactured, or fabricated by the correctional industries program or (2) any person who transfers cigarettes to a not-for-profit research institution conducting tests on the health effects of tobacco products and who does not offer them for resale. Retailers who transfer cigarettes and distributors of cigarettes to non-profits for research purposes may be affected by these rulemakings.

Questions/requests for copies/comments concerning the 2 DOR rulemakings above through 8/11/08:

Richard S. Wolters, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

FIRE SUPPRESSION SYSTEMS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to "Fire Equipment Distributor and Employee Standards" (41 Ill Adm Code 251; 32 Ill Reg 9097) requiring that all existing dry and wet chemical fire extinguishers for commercial cooking operations that produce grease-laden vapors comply with the Underwriters Laboratory 300 Standard identified in National Fire Protection Association (NFPA) documents 17, 17A, and 96. Existing systems have until 1/1/10 to comply, except for those operated by government entities, which have until 1/1/11 to comply. Those affected by this rulemaking include small businesses, small municipalities, and not-for-profit corporations that have commercial or industrial kitchens that provide food preparation service.

Questions/requests for copies/comments through 8/11/08: Misty Matykiewicz, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-4714, Fax 217/558-4992.

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's July 15, 2008 meeting.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Local Government Health Plan" (80 Ill Adm Code 2160) proposed 4/25/08 (32 Ill Reg 6820)

IL COMMERCE COMMISSION

"Rules of Practice" (83 Ill Adm Code 200) proposed 12/21/07 (31 Ill Reg 16616)

"Notice Requirements for Subcontractor's Identification for Water and Sewer Utilities" (83 Ill Adm Code 602) proposed 2/29/08 (32 Ill Reg 2857)

ILLINOIS RACING BOARD

"Superfecta" (11 Ill Adm Code 311) proposed 5/2/08 (32 Ill Reg 7027)

"Exacta Double" (11 Ill Adm Code 320) proposed 5/2/08 (32 Ill Reg 7032)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Corrective Orders" (50 Ill Adm Code 1250) proposed 2/22/08 (32 Ill Reg 2633)

"Accident and Health Reserves" (50 Ill Adm Code 2004) proposed 4/4/08 (32 Ill Reg 4486)

TEACHERS' RETIREMENT SYSTEM

"The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) proposed 4/11/08 (32 Ill Reg 5972)

DEPARTMENT OF EMPLOYMENT SECURITY

"Claims, Adjudication, Appeals and Hearings" (56 Ill Adm Code 2720) proposed 5/2/08 (32 Ill Reg 6999)

"Payment of Benefits" (56 Ill Adm Code 2830) proposed 5/2/08 (32 Ill Reg 7005)

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